

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
January 2009**

<b>Name, Location and Region Number</b>	<b>Program</b>	<b>Alleged Violation</b>	<b>DNR Action</b>	<b>New or Updated Status</b>	<b>Date</b>
BBR, LLC Spirit Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Motion for Leave to Amend Order Granting Leave Amended and Substituted Petition Trial Date	9/19/06 4/18/07 6/12/07 6/18/07 6/18/07 9/16/08
Bulk Petroleum Corporation 28 Sites (1) (6)	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred Petition Filed Trial Date Amended Petition Trial Date	6/19/06 2/01/07 10/01/08 9/24/08 3/30/09
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Creston Bean Processing, LLC Creston (4)	Air Quality	Operational Violations; Monitoring/Reporting	Referred to Attorney General	Referred	9/04/07
Dallas Pork, et. al. Dallas Co. (5) <b>UPDATE</b>	Animal Feeding Operation	EPC and IDNR Defendants	Defense	Petition Filed Consent Decree Motion to Intervene Motion to Set Aside Consent Decree State's Resistance Hearing on Intervention	10/14/08 10/14/08 11/04/08 11/04/08 11/14/08 12/05/08
Des Moines, City of; Metropolitan WW Reclamation Authority (5)	Wastewater	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
De Vos, Harold and Sharon Rock Rapids (3)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Operation Without Permit	Order	Referred Petition Filed Motion for Partial Summary Judgment Hearing on Motion Proposed Ruling by State Ruling Granting Partial Summary Judgment Trial on Civil Penalties Ruling (\$88,000/civil; injunction)	9/19/06 1/23/07 6/08/07 7/09/07 8/10/07 9/24/07 2/19/08 8/14/08
Dudden, Kyle Reinbeck (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	10/4/08

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Environmental Recycling Co., Inc. Dwight Oglesbee Masena (4) <b>UPDATED</b>	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed Motion to Compel Order Granting Motion to Compel Consent Decree (\$5,000/Civil; Injunction)	12/05/06 9/20/07 6/05/08 7/28/08 12/15/09
Equitable L.P/The Equitable Condos Des Moines (5)	Air Quality	Asbestos	Referred to Attorney General	Referred	3/11/08
Feinberg Metals Recycling Corp., Ft. Madison (6)	Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	3/06/07
Flying J, Inc.; CFJ Plaza Co. II, LLC; and CFJ Properties Clive (5) <b>UPDATED</b>	Underground Tank Wastewater	Remedial Action; Prohibited Discharge; Pollution Prevention Plan Violations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$140,000/Civil; Injunction)	11/07/07 12/15/08 12/15/08
Kay, Todd Buena Vista Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Referred to Attorney General	Referred	5/13/08
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05
Lincolnway Energy, Inc. Nevada (5)	Wastewater	Discharge Limits	Referred to Attorney General	Referred	12/04/07

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Matrix Metals d/b/a Keokuk Steel Castings, Co. Keokuk (6)	Air Quality	Particulate	Referred to Attorney General	Referred	9/04/07
Moellers, Kenneth Cresco (1) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred Petition Filed Trial Date Trial Date	2/20/06 12/11/06 11/19/08 6/10/09
Oakland Foods, LLC Oakland (4)	Wastewater Air Quality	Permit Violations; Construction Without Permit	Referred to Attorney General	Referred	3/11/08
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty Site Clean-up Completed	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05 8/15/06
River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction McGregor (1)	Wastewater	Stormwater – Pollution Prevention Plan Violations; Water Quality Violations – General Criteria	Referred to Attorney General	Referred Tax Sale by County Petition Filed	4/03/07 6/18/07 4/15/08
Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/19/06

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Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition Order Granting Judgment on Default (\$10,000/civil; injunction)	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05 1/31/06 1/04/08
Sharkey, Dennis Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/03/07 9/20/07
Siouxland Energy & Livestock Coop Sioux Center (3)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/04/07
Sioux Pharm, Inc. Sioux County (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	3/11/08
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Ruling Dismissing Damage Claims State's Motion for Summary Judgment Order Granting Continuance Hearing on Summary Judgment State's Supp. Reply to Plaintiff's Resistance to Motion for Summary Judgment Ruling Denying Motion for Summary Judgment Application for Interlocutory Appeal Memorandum in Support of Interlocutory Appeal Application Denied Motion for Separate Trial Hearing on Motion for Separate Trial Order Granting Separate Trial Trial Brief Reply Brief Trial Date Ruling for State Application for Interlocutory Appeal Supreme Court Order Denying Interlocutory Appeal	12/06/04 1/10/05 3/07/05 5/17/05 2/27/06 3/20/06 5/01/06 6/19/06 10/04/06 11/03/06 11/03/06 1/08/07 1/22/07 3/05/07 3/14/07 4/06/07 4/13/07 4/16/07 9/17/07 10/18/07 1/29/08

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January 2009**

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Welch Oil, Inc.; Boondocks USA, Inc. Lucas Co. (2)	Wastewater; Drinking Water	Monitoring/Reporting	Referred to Attorney General	Referred	12/04/07
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Contempt Application Filed Contempt Hearing Ruling on Contempt Application (90 days jail suspended/\$500 fine) Compliance Hearing Compliance Hearing Compliance Hearing Date Compliance Hearing Compliance Hearing Date Compliance Hearing Date	4/03/07 9/21/07 9/21/07 11/05/07 11/29/07 2/18/08 4/27/08 5/28/08 6/30/08 8/04/08 9/08/08 12/05/08

**Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes**

During the period November 1, 2008 through November 30, 2008, 10 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

<b>Month</b>	<b>Total</b>	<b>Avg. Length (days)</b>	<b>Avg. Volume (MGD)</b>	<b>Sampling Required</b>	<b>Fish Kill</b>
October '08	7(10)	1.374	0.004	2	0(0)
November '08	10(8)	0.086	0.005	1	0(0)
December '07	9(11)	0.365	0.048	2	0(0)
January '08	6(7)	0.725	0.001	0	0(0)
February '08	11(34)	0.280	0.255	2	0(0)
March '08	13(14)	0.464	0.047	4	0(0)
April '08	7(22)	0.736	0.221	3	0(0)
May '08	13(8)	0.389	0.107	3	0(0)
June '08	3(11)	0.281	0.367	2	0(0)
July '08	12(14)	0.132	0.197	4	0(0)
August '08	9(8)	0.401	0.043	2	0(0)
September '08	11(18)	0.175	0.005	2	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
2	0	6	0	0	2

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
January, 2009**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	4/09/07 – Internal meeting with DNR management set for 4/12/07. 5/09/07 – Clark calls Vens’ attorney and extends settlement offer. Attorney agrees to inform client and get back to Dept. with response. 5/16/07 – Response from Vens’ attorney indicating qualified agreement with settlement offer pending an inspection by DNR staff.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Hearing set for 12/04/07. 11/27/07 – DNR files motion for default entry. 12/21/07 – Default entry/Proposed Decision. No appeal
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	6/6/07 - Dept. letter to Mr. Holland indicating case will be sent to DIA if settlement not reached by 6/22/07. 6/14/07 – Phone call from Mr. Holland. Tentative settlement pending receipt of swine depopulation history.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	2/2/07 – Draft Consent Order sent to attorney for new owner. 6/19/07 – Clark sends email concerning issues at other former Swine USA operations acquired by Whitestone. 6/27/07 – Whitestone attorney responds with general agreement to settlement but needs to confirm with client.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating before filing..

\* These cases were previously assigned to Mike Murphy.

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7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/08/07	Cargill (Eddyville) 02-A-393-S3, 02-A-394-S2, 02-A-395-S2, 02-396-S3, 05-A-930, 05-A-931	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/09/07	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
6/13/07	Crossroads Cattle Co.; John Reisz	4	Permit Conditions	WW	Clark	Negotiating before filing.
6/25/07	Rick Onken		Permit Conditions	WW	Clark	Negotiating before filing.
8/10/07	Tate & Lyle Ingredients Americas	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/10/07	Port Louisa Land Co.; E. A. Hicklin	6	Variance Denial	FP	Clark	Negotiating before filing.
9/25/07	Winneshiek County Conservation Board (Kendallville Park)	1	Permit Revision	WS	Hansen	Negotiating before filing.
11/05/07	Twin Knolls 6 <sup>th</sup> Addition	1	Permit Conditions	WS	Hansen	Negotiating before filing.
11/15/07	Alcoa	6	Permit Conditions; Permit # 97-A-140-S2	AQ	Preziosi	Negotiating before filing.
11/15/07	Alcoa	6	Permit Conditions; Permits #85-A-067P-S2; #87-A-045P-S2; #89-A-177P-S2	AQ	Preziosi	Negotiating before filing..
11/15/07	Gary West		Permit Denial	AFO	Clark	Negotiating before filing.
1/14/08	Alliant Energy	1	Permit Conditions	AQ	Preziosi	Negotiating before filing..
<b>1/22/08</b>	<b>Des Moines County Regional Solid Waste Commission</b>	<b>6</b>	<b>Permit Condition; #29-SDP-01-76P</b>	<b>SW</b>	<b>Tack</b>	<b>Settled. Case closed.</b>
2/22/08	Cliff's Place	1	Order/Penalty	WS	Hansen	Negotiating before filing. To be set for DIA hearing.
3/10/08	Anthony Herman; Mighty Good Used Cars	5	Order/Penalty	WW	Tack	<b>Proposed Decision issued 10/6/08. Appealed to EPC. To be heard by EPC 1/20/2009.</b>
<b>4/22/08</b>	<b>Environmental Reclamation and Recycling, LLC</b>	<b>5</b>	<b>Permit Rescission</b>	<b>SW</b>	<b>Tack</b>	<b>Consent Order issued. Permit revoked. Contested case closed.</b>

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4/25/08	ADM (07-A-1078P, 07-A-1079P and 07-A-1080P)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
<b>4/28/08</b>	<b>South Central Iowa Landfill Agency</b>	<b>5</b>	<b>Permit Conditions</b>	<b>SW</b>	<b>Tack</b>	<b>Appeal resolved. Case closed..</b>
<b>5/05/08</b>	<b>Environmental Reclamation and Recycling LLC</b>	<b>5</b>	<b>Order</b>	<b>SW</b>	<b>Tack</b>	<b>Consent Order issued. Permit revoked. Contested case closed..</b>
5/15/08	Brush & Weed Control Specialists, Inc. and New Farmers Drainage District	4	Order/Penalty	WW	Wornson	Hearing scheduled for 11/07/08.
5/20/08	Page County Sanitary Landfill	4	Permit Conditions	SW	Tack	<b>Indefinite continuance entered by ALJ.</b>
<b>6/02/08</b>	<b>Ray Griffin</b>	<b>6</b>	<b>Order/Penalty</b>	<b>AQ/SW/ WW</b>	<b>Tack</b>	<b>Consent Order entered. \$2,500 fine and \$7,500 SEP paid. Case closed.</b>
7/02/08	Phoenix C&D Recycling, Inc.; R&A Properties	5	Permit Rescission	SW	Tack	<b>Hearing set for 1/29/2009..</b>
7/22/08	Nichols Aluminum	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/01/08	Green Brier Subdivision	1	Permit Conditions	WS	Hansen	Negotiating before filing.
10/13/08	Sivyer Steel Corporation		Beneficial Use Denial	SW	Tack	Negotiating before filing.
10/14/08	Edna Richman	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
10/15/08	SSAB Iowa Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/16/08	James D. Olchefske; Hidden Valley Mobile Home Park	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
10/16/08	Robert A. Nicholson; Hidden Valley Mobile Home Park	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
11/15/08	SSAB Iowa Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/04/08	Sleep Inn Motel; Kyunghee Susie Yon	4	Order/Penalty	WW	Hansen	Negotiating before filing.
12/10/08	Pilgrim Heights Camp & Retreat Center; The Iowa Conference of the United Church of Christ; Our Sacred Space, Inc.	5	Order/Penalty	WW	Hansen	Negotiating before filing.

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**DATE:** January, 2008

**TO:** EPC

**FROM:** Ed Tormey

**RE:** Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number Date	Program	Alleged Violation	Action	
Chamness Technology, Inc., Wapello Co. (6)	Wastewater Solid Waste	Prohibited Discharge; Operation Permit Violations	Consent Order \$2,000/Penalty \$8,000/SEP	11/19/08
Tommy and Debra Weaver, Cerro Gordo Co. (2)	Animal Feeding Operation	Construction Contrary to Permit/Rule	Consent Order \$5,000	11/19/08
Great River, L.C. LeClaire (6)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty \$10,000	11/26/08
Great River, L.C.; River Highlands Homeowners Assoc.; River Highlands Water System Assoc., LeClaire (6)	Drinking Water	Construction Without Permit; Operation Without Permit	Order/Penalty \$10,000	11/26/08
Jacob Nielsen, Newell (3)	Air Quality Solid Waste	Open Burning; Asbestos; Illegal Disposal	Consent Order \$2,000	12/01/08
Fayette County Solid Waste Commission (1)	Solid Waste	Leachate Control	Consent Order	12/05/08
James Boller, Kalona (6)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$5,000	12/10/08
Minburn, City of (5)	Wastewater	Discharge Limits; Operation Violations	Consent Order \$800	12/15/08
Greene, City of (2)	Air Quality	Fugitive Dust	Order/Penalty \$6,000	12/15/08

# Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period November 1, 2008, through November 30, 2008, 6 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (10)	2 (1)	8 (5)	1 (1)	2 (2)	10 (8)	4 (1)	0 (0)	0 (0)	3 (2)
November	6 (10)	0 (0)	5 (5)	0 (0)	0 (5)	5 (9)	0 (0)	0 (1)	0 (0)	0 (2)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	21 (20)	2 (1)	13 (10)	1 (1)	2 (7)	15 (17)	4 (1)	0 (1)	0 (0)	3 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office this Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	1	2	0	2	1

# Iowa Department of Natural Resources Environmental Services Division Report of Hazardous Conditions

During the period November 1, 2008, through November 30, 2008, 61 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance				Mode				
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	82 (63)	4 (5)	59 (38)	19 (20)	17 (19)	49 (27)	3 (3)	3 (1)	0 (3)	10 (10)
November	61 (70)	15 (18)	25 (26)	21 (26)	14 (15)	33 (43)	0 (1)	4 (2)	0 (1)	10 (8)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	143 (133)	19 (23)	84 (64)	40 (46)	31 (34)	82 (70)	3 (4)	7 (3)	0 (4)	20 (18)

(numbers in parentheses for same period last year)

\*Other includes dumping, theft, vandalism and unknown

Total Number of Incidents Per Field Office this Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
7	6	11	8	17	12

# Environmental Services Division Variance Report

12/22/2008

Monthly Variance Report November 2008						
Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date
1	Iowa Army Ammunition Plant	Air Quality	Reid Bermel	Variance to operate the Contaminated Waste Processor (EP BG 199-2-5) to adjust the newly replaced burners.	Approved	11/3/2008
2	Williams Bulk Transfer	Air Quality	Bryan Bunton	Variance to allow the operation of an emergency generator with out a permit	Denied	11/4/2008
3	POET Biorefining - Emmetsburg	Air Quality	Bryan Bunton	Variance to temporarily install a 1,000 ton storage pile of corn cobs w/o a permit.	Approved	11/4/2008
4	Camp Iodiseca	Water Supply	Diana Overstake	Variance for use of non-ASME pressure tanks.	Approved	11/5/2008
5	Chestnut Ridge Homeowners Assoc.	Water Supply	Taroon Veerabhadra	Variance for use of non-Asme pressure tanks.	Approved	11/6/2008
6	Wesley Ltd.	Wastewater	Jane Mild	Variance from 567 IAC 65.7(3) c, therefore a waiver is granted from the rule.	Approved	11/6/2008
7	Mahaska Rural Water	Water Supply	Bob Campbell	Variance from water quality testing - Well #7-07.	Approved	11/6/2008
8	Christensen Family Farms	Water Supply	Monica Wnuk	Variance for use of non-ASME pressure tanks & reduction of storage tank capacity.	Approved	11/6/2008
9	Southwest Iowa Renewable Energy LLC	Air Quality	Reid Bermel	Variance to operate a temporary natural gas boiler.	Approved	11/7/2008
10	Lincolnway Energy LLC	Air Quality	Bryan Bunton	Variance to install a Permanent Sodium Bicarbonate Tank & perform Engr. testing of Trona as a Sorbent.	Approved	11/7/2008
11	Xethanol Biofuels LLC	Air Quality	Reid Bermel	Extension for a Variance to conduct a trail run using recycled paper waste to produce ethanol w/o modifying construction permit.	Approved	11/10/2008
12	Hideaway Hills Mobile Home Park	Water Supply	Mark Moeller	Variance for use of non-ASME pressure tank.	Approved	11/12/2008
13	Pints Subdivision /Thomas Ciesielski	Water Supply	Diana Overstake	Variance for use of non-Asme pressure tanks & for volume of pressure tanks.	Approved	11/12/2008
14	City of Blue Grass	Air Quality	Reid Bermel	Variance to burn & clean up wood pile.	Approved	11/12/2008

# Environmental Services Division Variance Report

12/22/2008

15	CRANDIC Railway	Asia Azam	Water Resources	Variance to the freeboard criterion.	Approved	11/12/2008
16	Schroop 2nd Addition	Roy Ney	Water Supply	Variance for use of non-ASME pressure tanks & waiver to provide back up power.	Approved	11/14/2008
17	Iowa Army Ammunition Plant	Air Quality	Reid Bermel	Variance to Operate Contaminated Waste Processor.	Approved	11/17/2008
18	Roquette America Inc.	Air Quality	Reid Bermel	Variance to operate three temporary back up natural gas fired boilers.	Approved	11/18/2008
19	Mid American Energy Sioux City IA	Air Quality	Reid Bermel	Variance for a six month extension for permits 78-A-174-S3 & 78-A-175-S2.	Approved	11/20/2008
20	United States Gypsum Co.	Air Quality	Reid Bermel	Variance to operate a portable grinding machine.	Approved	10/24/2008
21	University of Northern Iowa Power Plant	Air Quality	Dennis Thielen	Variance to install a temporary storage tank to store #2 fuel oil prior to obtaining a construction permit.	Denied	11/25/2008
22	Harrison Co Sanitary Landfill	Land Quality	Amie Davidson	Variance request to the requirement to submit semiannual reports.	Denied	11/25/2008
23	Mid American Energy Davenport IA	Air Quality	Dennis Thielen	Requesting a variance from the provisions relating to Clean Air Interstate & Clean Air Mercury Rule.	Denied	11/25/2008
24						
25						

IOWA DEPARTMENT OF NATURAL RESOURCES  
COMPLIANCE AND ENFORCEMENT BUREAU

**DATE:** January 1, 2009  
**TO:** Environmental Protection Commission  
**FROM:** Ed Tormey  
**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	7,486	3-15-96
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
James Harter (Fairfield)	WW	1,483	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	108	3-08-02
Charlotte Caves (Oskaloosa)	HC	9,487	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	477	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04

\*Payment Schedule

#Animal Feeding Operation

**BOLD Entries Have Been Referred to DRF**

# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,474	2-03-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	350	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000	6-29-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Larry Bergen (Worth Co.)	AQ/SW	757	11-01-06
Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
Edward Branstad; Monroe "Monty" Branstad (Forest City)	AQ	4,500	4-16-07
Colleen Weber (Mitchell Co.)	AQ/SW	1,500	6-01-07
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	7-18-07
# Doug Orwig Site #1 (Dickinson Co.)	AFO	3,500	10-01-07
# Leland Van Kooten; Darin Van Kooten (Leighton)	AFO	5,500	12-30-07
Mark Witt; Witt Auto Salvage (Monroe Co.)	SW/WW	8,000	1-15-08
# Joshua Van Der Weide (Lyon Co.)	AFO	3,500	2-25-08
Clinton Community School District	WW	3,000	2-25-08
Mike Barrett; Jody Barrett (Polk Co.)	SW	6,200	3-05-08
William Norton (Cedar Co.)	WW	2,500	5-07-08
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	4,000	6-01-08
# Doug Osweiler (South English)	AFO	5,000	6-01-08
# Edward Dale Klyn (Wayne Co.)	AFO	5,000	6-28-08
Karl Molyneux (What Cheer)	AQ/SW	2,500	7-19-08
Chad Hoppe; Steve Hoppe; Shady Acres MHP, (Chickasaw Co.)	WW	4,000	8-27-08
# Maple Grove Farms, LLC (Plymouth Co.)	AFO	3,500	9-05-08
Promise City, City of	WW	1,400	9-08-08
Rodney Mandernach; Mandernach Pork (Sac Co.)	AFO	4,000	10-23-08
Kevin & Candace Perry (Shelby Co.)	AQ/SW	10,000	11-07-08
George Kramer (Clinton Co.)	AQ/SW	1,500	11-09-08
J.D. Wollrab; Linn Hollow MHP (Washington Co.)	AQ/SW	1,000	11-15-08
Cottonballs, LLC (Winneshiek/Clayton)	AQ/SW	10,000	11-15-08
Pieper, Inc. (Lee Co.)	AQ	1,250	11-13-08
Jon Knabel (Clinton Co.)	AQ/SW	2,000	12-16-08
# Red Barn Acres, LLC (Humboldt Co.)	AFO/AQ/SW	4,000	11-29-08
Mahaska Rural Water System, Inc.; City of Rose Hill	WW	1,000	12-06-08
Axmear Pumping, LLC (Blairstown)	AFO	5,000	12-06-08
A'Hearn Plumbing and Heating, Inc. (Hiawatha)	AQ	700	12-12-08
# Tommy and Debra Weaver (Cerro Gordo Co.)	AFO	5,000	3-15-09
Stuart Yoder (Johnson Co.)	AQ/SW	5,000	-----
Great River, L.C. (LeClaire)	WW	10,000	-----

\*Payment Schedule

#Animal Feeding Operation

**BOLD Entries Have Been Referred to DRF**



Great River L.C.; River Highlands Homeowners Assoc.;	WS	10,000	-----
River Highlands Water System Assoc. (LeClaire)			
# James Boller (Kalona)	AFO	5,000	-----
Greene, City of	AQ	6,000	-----
<b>TOTAL</b>		<b>452,013</b>	

**The following penalties have been placed on payment plans:**

* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
**Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
**James Boller (Kalona)	AFO	3,034	8-19-04
* Reginald Parcel (Henry Co.)	AQ/SW	110	4-23-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
**Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
#*Dale Schumann (Buena Vista Co.)	AFO	1,000	8-01-06
* Douglas Bloomquist (Webster Co.)	AQ/SW	3,500	12-01-07
* Jack Knudson (Irwin)	UT	10,000	1-15-08
* Fred Knosby (Cumming)	AQ/SW	1,664	3-15-08
* Randy Kennedy; R K Construction & Demolition (Slater)	AQ	1,600	4-15-08
* Craig Burns (Postville)	WW	1,350	4-15-08
* Fred Miller; Earthworks Contracting (Quimby)	AQ	6,620	4-15-08
* Willey, City of	AQ/SW	1,000	6-01-09
* Chelsea, City of	WW	200	6-15-08
#*Atsma Dairy Farms; Richard Atsma (Sioux Co.)	AFP	624	1-15-09
#*Doug Hymbaugh (Ringgold Co.)	AQ/SW	200	12-08-08
#*James Hogan; Hogan Brothers (Jones Co.)	AFO	520	1-01-08
#*Donald Burken, Sr.; Donald Burken, Jr.; L&M Hogs (Clinton)	AFO/WW	1,000	1-01-09
#*Neal Rupiper (Carroll)	AQ/SW		
	AFO	938	12-10-08
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)	AFO	6,853	1-11-09
#*Brian Hofmeyer (Sioux Co.)	AFO	2,724	13-15-08
* Hidden Valley MHP; Larry Fishback (Washington)	WW	1,400	9-15-08
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	3,800	12-15-08
* John Danker (Lee Co.)	AQ/SW	278	1-22-08
#*Loren and Rhonda Van Zante (Eddyville)	AFO	1,250	12-30-08
#*Loren and Rhonda Van Zante (Eddyville)	AFO	1,500	12-30-08
#*Richard Steen; Jeff Behrens (Montgomery Co.)	AFO	7,000	10-19-08
#*Chris Hunt; Steven Hunt; Hunt Bros. Feedlot (O'Brien Co.)	AFO	1,490	3-01-09
#*Meyer Bros.; Steve Meyer (Ida Co.)	AFO	2,812	11-01-08
#*Joe Tomka (Carroll Co.)	AFO	1,750	12-01-08
#*Edward Pechous (Johnson Co.)	AFO	2,000	10-15-08
* Newell, City of	AQ/SW	4,500	4-15-09
* Wirtjers Trucking, Inc. (Sac Co.)	AQ/SW	2,500	12-08-09
* Jacob Nielsen (Newell)	AQ/SW	2,000	1-15-09
<b>TOTAL</b>		<b>81,761</b>	

**The following administrative penalties have been appealed:**

NAME/LOCATION	PROGRAM	AMOUNT
Gerald and Judith Vens (Scott Co.)	FP	5,000
Dallas County Care Facility (Adel)	WW	5,000

\*Payment Schedule

#Animal Feeding Operation

**BOLD Entries Have Been Referred to DRF**

# Jeff Holland (Winnebago Co.)	AFO	5,500
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
LeMars, City of	WW	9,000
Cliff's Place (Waverly)	WS	5,800
Anthony Herman; Mighty Good Used Cars (Polk Co.)	WW	7,500
Brush & Weed Control; New Farmers Drainage (Monona Co.)	WW	10,000
Edna Richman (Wapello Co.)	AQ/SW	3,000
James Olchefski; Hidden Valley MHP (Wapello Co.)	AQ/SW	3,000
Robert A. Nicholson; Hidden Valley MHP (Wapello Co.)	AQ/SW	3,000
Iowa Conference of the United Church of Christ; Our Sacred Space, Inc. (Montour)	WW	2,000
Kyungheeyon, LLC; Sleep Inn Motel (Brooklyn)	WW	2,000
<b>TOTAL</b>		<b>65,550</b>

**The following administrative penalties have been collected:**

NAME/LOCATION	PROGRAM	AMOUNT
*Brian Hofmeyer (Sioux Co.)	AFO	2,054
# Terrafact, Inc. (Lake Park)	AFO	2,500
* Wirtjers Trucking, Inc. (Sac Co.)	AQ/SW	2,500
Chamness Technology (Blairsburg)	SW/WW	2,000
Ray Griffin; SEMCO (Keokuk Co.)	SW/WW/AQ	2,500
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	200
#Neal Rupiper (Carroll)	AFO	187
* John Danker (Lee Co.)	AQ/SW	139
* Craig Burns (Postville)	WW	600
#James Hogan; Hogan Brothers (Jones Co.)	AFO	104
#Donald Burken, Sr.; Donald Burken, Jr.; L&M Hogs (Clinton)	AFO/WW	500
	AQ/SW	
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	200
#*John Kauffman (Iowa City) PAID IN FULL	AFO	208
#*Loren and Rhonda Van Zante (Eddyville)	AFO	500
#*Loren and Rhonda Van Zante (Eddyville)	AFO	600
* Willey, City of	AQ/SW	1,000
#*Atsma Dairy Farms; Richard Atsma (Sioux Co.)	AFO	208
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)	AFO	190
#*James Hogan; Hogan Brothers (Jones Co.)	AFO	104
#*Doug Hymbaugh (Ringgold Co.)	AQ/SW	200
City of West Des Moines	UT	1,000
Minburn, City of	WW	800
* Fred Miller; Earthworks Contracting (Quimby)	AQ	100
#*Galen Drent (Boyden)	AFO	1,510
#*Neal Rupiper (Carroll)	AFO	187
#*Donald Burken, Sr.; Donald Burken, Jr.; L&M Hogs (Clinton)	AFO/WW	500
	AQ/SW	
* John Danker (Lee Co.)	AQ/SW	139
#*Edward Pechous (Johnson Co.)	AFO	250
#*Brian Hofmeyer (Sioux Co.)	AFO	670
#*Randy Wood (Louisa Co.)	AFO	1,575
Westrum Farms, Inc. (Stratford)	AFO	5,500
<b>TOTAL</b>		<b>27,341</b>

\*Payment Schedule

#Animal Feeding Operation

**BOLD Entries Have Been Referred to DRF**